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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,202	06/27/2001	David Kern Heyliger		7101

7590 12/27/2004  
Dave Heyliger  
142 Rockridge Drive  
Durango, CO 81301

EXAMINER
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AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/894,202

Applicant(s)

HEYLIGER, DAVID KERN

Examiner

ABUL K. AZAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, claims 4-15 in the telephonic interview on May 21, 2004 is acknowledged.
2. Claims 1-3 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group I, there being no allowable generic or linking claim.

### ***Drawings***

3. The drawings are objected to because Drawings 11-13 do not include reference numbers signs and in the specification does not have description to corresponding references character numbers. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 4-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Suda et al. (US 5,974,370).

As per claim 4, Suda teaches, “a computer system for generating sentences about a selected item contained in a computer database”, comprising:

“computer processing means having access to said database” (Fig. 5, element 51);

“means for entering and storing data within said computer processing means” (Fig. 4, element 21); and

“means for generating at least one sentence from said data” (Fig. 5, element 52).

As per claim 5, Suda teaches, “means for placing a plurality of said sentences into order to form a narrative story” (Fig. 9).

As per claim 6, Suda teaches, “means for editing said story” (col. 5, lines 48-59).

As per claim 7, Suda teaches, “means for altering the order of said sentences in said narrative story” (col. 5, lines 1-10).

6. Claims 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bentwich (US 6,289,513).

As per claim 8, Bentwich teaches, “a method for generating sentences about an item contained in a computer database”, comprising the steps of:

“providing at least one of the following:

(i) pre-defined sentences containing variables corresponding to field names or field values in the database; and

(ii) tailored algorithms for counting, evaluating or analyzing certain field values” (col. 8, lines 46-57);

“providing data contained within said fields in said database by:

(i) entering said data into the database; or

(ii) accessing existing data from said database” (col. 8, lines 58-65); and

“generating one or more descriptive sentences based upon said data” (col. 28, lines 7-45).

As per claim 9, Bentwich teaches, “wherein said sentences are paced into order in a narrative story” (col. 28, lines 7-45).

As per claim 10, Bentwhich teaches, "providing interface components containing captions or phrases" (col. 28, lines 49-67);

"providing at least one of the following:

(i) pre- sentences containing variables corresponding to captions or phrase of selected interface components; and

(ii) tailored algorithms for counting, evaluating, or analyzing certain interface component settings" (col. 8, lines 46-57);

"providing user access to said interface components" (col. 28, lines 49-67); and

"generating at least one descriptive sentence based upon said interaction with said interface component" (col. 28, lines 7-19).

As per claim 11, Bentwhich teaches, "wherein said descriptive sentences are generated in response to a "generate" command" (col. 36, lines 11-15, here "user click" as "generate" command).

As per claim 12, Bentwhich teaches, "providing the capability of editing the narrative story manually" (Fig. 26); and

"entering an "accept" command to save the edited version of the story" (Fig. 27, element 115).

As per claim 13, Bentwhich teaches, "wherein re-entering the "generate" command will narrative order of said sentences" (Fig. 21, element 2140).

As per claim 14, Bentwhich teaches, "allowing the user the option to re-open the saved version of the story to further edit the story" (Figure 22).

As per claim 15, Bentwhich teaches, "wherein said editing may be accomplished by any combination of the following steps:

- (a) manually typing changes the story;
- (b) changing field values in the database; and
- (c) modifying interface component values" (Figure 26).

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Or faxed to:

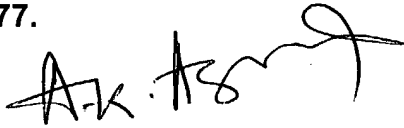
**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office at telephone number (703) 306-0377.

A handwritten signature in black ink, appearing to read 'A.K. Azad' with a stylized flourish at the end.

Abul K. Azad

December 22, 2004